IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 1820 OF 2006

M/s. United System Infotech
Pvt. Ltd., .. Petitioners.

vs.

State of Maharashtra,
& Ors. .. Respondents.

Shri R.M. Agrawal with Shri A.M. Saraogi
for Petitioners.
Shri A.S. Gadkari, APP for State.
Shri B.R. Vishwakarma for Respondent Nos. 2 & 3.

CORAM : J.N. PATEL, AND
SMT. ROSHAN DALVI, JJ.
DATE : 27th September, 2006.

P.C.

. Heard.

2. The petitioners have approached this Court for seeking directions against Respondent No. 1.a) to conduct an enquiry against its officer i.e. Respondent No. 1.b) who, according to them, in connivance and collusion with Respondent Nos. 2 and 3 has failed to take cognizance of the report lodged

by the petitioners relating to threat to life and so on and further seek police assistance to protect their peaceful use, occupation and possession in respect of the premises being flat No. 4 situated at Rayfreda Building, Mahakali Caves Road, Andheri (E), Mumbai on such terms and conditions as this Court may deem fit and proper.

3. There is no quarrel over the issue that the parties are litigating in respect of the said premises in the civil court. Therefore, in the facts and circumstances it would be proper that the parties obtain appropriate orders from the civil court in the matter of their rival contentions and claims relating to the use and occupation of the premises in question. The petitioners cannot resort to invoking the extraordinary jurisdiction of this Court on the criminal side to re-enter the premises by seeking police assistance unless the matter stands adjudicated by the civil Court. Therefore, we do not find any merit in the petition. The petition is dismissed.

(J.N. Patel, J.)

(Smt. Roshan Dalvi, J.)